

## MARYLAND DEPARTMENT OF JUVENILE JUSTICE

Unit or Area: DJJ

Policy Number: 01.01.13

Subject: Reporting and Investigating Child Abuse and Neglect

Effective Date: 2/18/2000  
(Rescinds 10/1/94 policy)

Approved: \_\_\_\_\_



Review Cycle: 1 Year

- I. POLICY:** The purpose of this policy is to ensure the safety of youth in the care of the Department of Juvenile Justice (DJJ). The policy sets forth the procedures to be followed in reporting and investigating cases of suspected child abuse or neglect.

The guiding principles of this policy are as follows:

- A. To insure that youth under the care of the Department of Juvenile Justice are protected from abuse or neglect it is required that every employee report any suspected abuse or neglect, both orally and in writing, to the proper authorities. This includes suspected abuse or neglect committed while the child is in or on weekend pass or other authorized leave from a DJJ operated, non-DJJ publicly operated, or purchase of care residential facility, as well as child on probation, aftercare, or under intake supervision.
- B. There shall be a timely investigation by the appropriate authorities of each suspected incident of abuse or neglect.
- C. Action may not be taken against any employee for filing a good faith report of suspected abuse or neglect.
- D. The identity of the reporter shall be protected from disclosure to all persons except those having a need to know in order to participate in any investigation, consistent with the conditions of this policy.

- II. AUTHORITY:** Annotated Code of Maryland, Article 27, § 35C; Article 83C, § 2-118; Family Law Article, §§ 5-701, *et seq.*; COMAR 07.02.07; and COMAR 16.05.02.02.

- III. DEFINITIONS:** In this policy, the following terms have the meanings indicated:

*Administrator* means as follows:

If the child is in a DJJ institution, youth center, detention center, holdover facility, or DJJ community residential program--the chief administrator of the facility. If the child is in a purchase of care or non-DJJ publicly operated community residential placement, a purchase of services, or DJJ day program, or under intake supervision or on probation, or aftercare--the Area Director of the region in which the incident is alleged to have occurred, or in his/her absence, the Acting Area Director. If a DJJ headquarters employee is the suspected abuser--the Assistant Secretary under whom the employee works or, in his/her absence, the DJJ Inspector General.

*Child* means any individual under the age of 18 years.

*Child Abuse* means the physical or mental injury of a child by any parent or other person who has permanent or temporary care, custody, or responsibility for supervision of a child, or by any household or family member, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed; or sexual abuse of a child, whether physical injuries are sustained or not.

*Employee* means any DJJ, purchase of care/services, or non-DJJ publicly operated program employee, contractual or agency worker, or volunteer, in a program providing services to DJJ youth.

*Law Enforcement Agency* means a State, county, or municipal police department, bureau, or agency, and includes a sheriff's office, State's Attorney's office, and the Attorney General's office. For youth suspected of having been abused while at a DJJ operated facility, appropriate law enforcement agency refers to the Maryland State Police. For all other youth, appropriate law enforcement agency refers to the local police agency having jurisdiction where the abuse is alleged to have taken place.

*Neglect* means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of the child under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm, or mental injury to the child or a substantial risk of mental injury.

*Program Director* means the chief administrator of a purchase of care, purchase of services, or non-DJJ publicly operated program which provides services to DJJ youth.

*Reporter* means that person making the report of abuse or neglect.

*Sexual Abuse* means any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member, and includes incest, rape, sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

#### **IV. PROCEDURES:**

##### **A. Reporting Suspected Child Abuse or Neglect**

1. Any employee who has reason to suspect that a child has been abused or neglected shall immediately notify the local Department of Social Services (DSS) for suspected neglect or the appropriate law enforcement agency for suspected abuse. The reporter shall immediately notify the administrator/program director or his/her designee orally and then on the prenumbered Initial Report Form (.01.13), sections A-C. If the administrator/program director or his/her designee is not physically present to receive the oral or written report, the employee shall immediately complete the report and insure the administrator/program director or his/her designee receives it by the next working shift. If the administrator/program director is the suspected individual, the Inspector General at DJJ Headquarters shall be notified consistent with the oral and written reporting requirements outlined in this section.

2. The initial oral and written report made to the appropriate administrator/program director shall include, at a minimum:
  - (a) Date and time of suspected incident,
  - (b) The name, age, and if known, last known home address of the child,
  - (c) The child's current location and status,
  - (d) The name and home address of the child's parent(s) or other family member/guardian responsible for the child's care,
  - (e) The nature and extent of the abuse or neglect, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect, and
  - (f) Any other information that would be helpful to determine:
    - (1) The causes of the suspected abuse or neglect; and
    - (2) The identity of the suspected person(s) responsible for the alleged abuse or neglect.
3. If a parent or guardian who suspects that a child has been abused or neglected while directly under the care of a DJJ operated, non-DJJ publicly operated, or purchase of care/services program, reports his/her concerns to the administrator/program director in writing or orally, the administrator/program director shall immediately forward the report to the appropriate authorities. Following the investigation, a full, written report of the case findings shall be made available to those filing the report. Names of any DJJ employees involved shall be kept confidential in any report sent to a parent or guardian.
4. Immediately after the acceptance of the oral and written report, the administrator/program director or his/her designee shall:
  - (a) Confirm orally that the appropriate Law Enforcement Agency has been notified, in cases of suspected child abuse, or
  - (b) Confirm orally that the DSS has been notified, in cases of suspected neglect,
  - (c) Complete Section D of the Initial Report Form, and
  - (d) Distribute the completed "Suspected Abuse/Neglect Initial Report Form" (01.13) as follows:
    - (1) One copy to person who completed parts A, B and C of the form.
    - (2) Original is filed by administrator/program director or his/her designee with the appropriate authorities, and a copy kept by the administrator/program director.
5. The initial report to Law Enforcement or DSS, by telephone or direct communication, shall include, at a minimum, the same information listed in section IV.A.2 above.

6. No later than twenty-four hours after the contact, examination, attention, or treatment that caused the reporter to believe the child had been subjected to child abuse or neglect, the administrator/program director or his/her designee and the employee who initially reported the possible abuse or neglect shall send a written report on Form .01.13 to:
  - (a) The following agencies/persons in the case of suspected child abuse:
    - (1) The appropriate Law Enforcement agency,
    - (2) The local Department of Social Services,
    - (3) The DJJ Inspector General,
    - (4) The local States Attorney's Office,
    - (5) The appropriate Area Director, if purchase of care, purchase of services or non-DJJ publicly operated programs are involved, and
    - (6) The appropriate Assistant Secretary.
  - (b) The following agencies/persons in the case of suspected neglect:
    - (1) The local Department of Social Services,
    - (2) The DJJ Inspector General.
    - (3) The appropriate Assistant Secretary, and
    - (4) The appropriate Area Director, if purchase of care, purchase of services, or non-DJJ publicly operated programs are involved.
7. The report shall be written on Form .01.13 with appropriate information attached, and shall include:
  - (a) All material listed in IV.A.2. (a)-(d) and (f),
  - (b) The nature and extent of the alleged abuse or neglect,
  - (c) Any evidence or information available to the administrator/program director or his/her designee concerning possible previous instances of abuse or neglect,
  - (d) Copies of all pertinent documents, such as incident reports, log book entries, medical reports, etc.
- B. *Immediate Protective Action:* The administrator/program director or his/her designee, upon being notified of suspected child abuse or neglect, and after confirming orally that the appropriate Law Enforcement Agency or DSS has been notified per IV. A.4., shall initiate the following:

1. Immediately contact a medical facility, assign a staff member to accompany the child to the medical facility or other appropriate medical resources as soon as possible, and ensure that no evidence is destroyed (e.g., a shower may not be taken by a child victim of sexual abuse). Before obtaining medical services (except in life threatening situations), contact law enforcement or DSS (refer to IV.A.6). The purpose of the visit is to obtain an assessment of the physical condition of the child.
2. Immediately take appropriate action to ensure that no further abuse or neglect occurs.
3. Next, contact the child's parent(s) or guardian, Case Manager, and the court. The purpose of the contact is to notify them of the child's whereabouts and medical status, especially if the child has to be taken to a medical center or physician for treatment.
4. When any employee is suspected of abuse or neglect, immediately take any necessary action, depending upon the seriousness of the charges, to ensure the health and safety of the child, to include either:
  - (a) The immediate suspension of suspected employee(s), or
  - (b) The transfer of the suspected employee(s) to other duties or administrative leave pending completion of the investigation by Law Enforcement authorities, DSS, and DJJ.

For DJJ operated programs:

- (1) Within twenty-four hours after the suspected employee is transferred, the administrator shall inform the suspected employee in writing as to the reason for this decision. The written notification shall protect the anonymity of the reporter or any other person whose life or safety is likely to be endangered.
  - (2) At any time the administrator may change this decision, provided the rationale for such a change is documented in writing.
  - (3) The administrator shall take appropriate steps to ensure the anonymity and safety of the person making the report.
5. Out of state providers shall be held to the same reporting standards and corrective action. The only exception shall be where DJJ policies are in direct conflict with resident state laws. If there is a conflict, the law with the greater degree of responsibility shall be followed.
- C. *Cooperation with Investigating Agencies and DJJ Inspector General:* DJJ employees reporting or receiving reports of suspected abuse or neglect shall cooperate with DSS and Law Enforcement personnel investigating the report, and the DJJ Inspector General. In this context, cooperation shall include:
1. Sharing with authorized DSS or Law Enforcement personnel otherwise confidential materials and information on the case.
  2. Responding promptly to requests for additional information.

3. Securing and transmitting to DSS or Law Enforcement personnel information required for the investigation from other agencies or other sources (e.g., medical records).
4. Testifying in court. DJJ employees assisting in an investigation or who are required to testify in court shall be permitted to do so without loss of pay or benefits.

D. *DJJ Investigation of DJJ Employees*

1. Immediately upon being notified of the alleged child abuse or neglect, the DJJ Inspector General shall undertake an investigation to determine whether any DJJ policies, procedures, rules, or regulations have been violated by the suspected employee regarding the alleged child abuse or neglect.
2. If the investigation results in a finding that a violation of policy, procedures, rules, or regulations has occurred, appropriate disciplinary action shall be taken in accordance with Department of Budget and Management and DJJ personnel policies. Such disciplinary action shall *begin* not later than five working days after the close of the suspected employee's shift following the alleged infraction or not later than five working days after the administrator acquires knowledge of the alleged infraction.
3. Completion of the Law Enforcement or DSS investigation may result in findings which demonstrate to the administrator that a State or Federal law has been violated. Based on this new information, and the receipt of report, the administrator shall take appropriate disciplinary action. Such disciplinary action:
  - (a) Shall begin as soon as possible but not later than five working days after the administrator acquires knowledge of the new information.
  - (b) Shall be consistent with Department of Budget and Management and DJJ personnel policies.
4. Within five working days after the close of the employee's shift following the alleged infraction, the administrator shall issue a written decision to the employee advising him or her of any disciplinary action against the employee, any transfer or reassignment of the employee, any exoneration of the employee, or a decision to take no action.
5. The personnel file may not contain any information concerning a suspected employee's violation. This information shall be kept in a separate, secure file. Only when those allegations are substantiated, and disciplinary action is taken, shall documentation of the disciplinary action be placed in the employee's personnel file.
6. If the suspected employee disagrees with the DJJ investigation report, the administrator's decision, or any other aspects of DJJ's involvement in the review of the case, the employee may grieve in accordance with Department of Budget and Management regulations.

- E. *Immunity from Intimidation:* No employee may be prevented from filing a report of suspected abuse or neglect. Detrimental action may not be taken against anyone filing a good faith report of suspected abuse or neglect.

F. *Immunity from Prosecution:* Any person who in good faith makes or participates in making a report of abuse or neglect under §§ 5-704 or 5-705 of the Family Law Article, or participates in an investigation or a resulting judicial proceeding, is protected from civil liability or criminal penalty.

G. *Reports*

1. A copy of all DJJ and other agency reports, substantiated findings and actions shall be placed in the child's permanent case file. Names of suspected employees found not to have violated the law, or DJJ policies, rules, procedures, and regulations shall not be included in this file.
2. Reports, correspondence, and other information verifying neglect/abuse by DJJ employees shall be maintained in locked files both at the facility/office and in the Inspector General's office at DJJ Headquarters. Whenever disciplinary action occurs as a result of the investigation, the information shall become part of the employee's personnel file.
3. Reports, correspondence, and other information on investigations shall be maintained in locked files in the Inspector General's office for a period of five years from the completion of the DJJ, DSS, State's Attorney, or police investigation, whichever is completed last. Such information shall then be destroyed.

H. *Adherence to Other Policies:* Where applicable, the reporting requirements of the DJJ "On Call Administrator Policy" (01.01.14) and the Public Information Office's policy, "Relationships with Public, Media, and Other Agencies" (01.01.11), shall be followed.

DEPARTMENT OF JUVENILE JUSTICE  
SUSPECTED ABUSE/NEGLECT  
INITIAL REPORT

**A. ALLEGED INCIDENT:**

REPORT DATE: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

NAME OF YOUTH: \_\_\_\_\_ AGE: \_\_\_\_\_

HOME ADDRESS(if known): \_\_\_\_\_

YOUTH'S CURRENT LOCATION/STATUS: \_\_\_\_\_

YOUTH'S PARENT'S/GUARDIAN'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_

RELATIONSHIP: \_\_\_\_\_

NATURE/CIRCUMSTANCE OF ABUSE/NEGLECT: \_\_\_\_\_

SUSPECTED INDIVIDUAL: \_\_\_\_\_

CAUSES/REASONS FOR SUSPECTED ABUSE/NEGLECT: \_\_\_\_\_

**B. REPORT TO MANAGEMENT:**

PERSON MAKING REPORT: \_\_\_\_\_

NAME

SIGNATURE

REPORTED TO: \_\_\_\_\_ TIME: \_\_\_\_\_

**C. REPORT TO APPROPRIATE AGENCY:**

POLICE/DSS NOTIFIED (AGENCY NAME AND PERSON CONTACTED):

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

PERSON CONTACTING POLICE/DSS:

NAME

SIGNATURE

**D. COPY OF COMPLETED FORM GIVEN TO PERSON MAKING REPORT:**

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

PERSON CONFIRMING POLICE/DSS CONTACT:

NAME

SIGNATURE